HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

L.P.A. No. 550 of 1995
Date of Decision : 29.11.2006

Indian Oil Corporation versus State of Punjab and others

CORAM : HON'BLE CHIEF JUSTICE VIJENDER JAIN
HON'BLE MR. JUSTICE S.S.NIJJAR

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Present : Mr. S.C.Kapoor, Sr. Advocate with
Mr. Subhash Kapoor, Advocate for the appellant

Ms. Rita Kohli, Sr. DAG Punjab

Mr. Rakesh Garg and Shri H.S.Grewal, Advocates
for the claimant-respondent

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Vijender Jain.J.(Oral)

This order will dispose of L.P.A. Nos. 550 to 552 and 554 to 561 of 1995 and cross-objections Nos. 3 and 4 of 1999. These appeals as well as cross-objections have been filed, inter-alia, challenging the order of the learned Single Judge. The facts leading to the filing of the present appeals and Cross-Objections may be briefly noticed.

The landlords-Claimants had filed RFA Nos.1644 to 1648, 2149 to 2151, 2155 to 2159 and 2315 of 1987 against the common award of the Additional District Judge, Bhatinda dated 17.3.1987. The State Government by issuance of Notification dated 19.9.1983 under Section 4 of the Land Acquisition Act (hereinafter referred to as "the Act") acquired land measuring 192 Kanals situated in Village Phus Mandi, Tehsil and

District Bhatinda, for the construction of an Oil Depot for Indian Oil Corporation Limited, New Delhi. The Land Acquisition assessed the compensation at the following rates:-

1.Nehri	Rs.30,000/- per acre.
2.Chahi	Rs.23,000/- per acre
3.Gairmumkin	Rs.30,000/- per acre

The landlords filed several references under Section 18 of the Act for enhancement of compensation. The Land Acquisition Court by the impugned Award had determined the market value of the acquired land at the rate of Rs.32,000/- per acre for Nehri, Rs.25,000/- per acre for Chahi and for Rs.32,000/- per acre for Gairmumkin. In addition to the aforesaid valuation, the Additional District Judge evaluated the land abutting on the road of Bhatinda Branala Bhucho up to depth of 50 yards irrespective of the quality of the road at the rate of Rs.33,000/- per acre. Dissatisfied with the Award of the Additional District Judge, the landowners had approached this Court by filing the aforesaid RFAs.

The learned Single Judge considered the oral as well as documentary evidence produced by the parties before the lower courts. After thoroughly considering the matter, the learned Single Judge determined the compensation and the price of the acquired land was evaluated at Rs.86204/ per acre by the impugned judgment dated 9.9.1994. The aforesaid judgment dated 9.9.1994 has been challenged in the present LPAs.

Shri Kapoor, learned Senior Counsel appearing for the appellants has contended that the grant of benefits at the price fixed by the learned Single Judge, was contrary to Section 25 of the Act. It has been further contended that the learned Single Judge has not taken into consideration the prices in

the sale-deeds which were executed in 1983 and has relied upon the sale-deed of 1981. The sum and substance of the arguments of learned Sr. Counsel appearing for the appellants is that in view of the fact that there was insurgency in Punjab, the land prices could not have been more in 1983 in comparison to the prices in 1981.

We have perused the impugned judgment of the learned Single Judge. The learned Single Judge at page 12 of the paper book after taking into consideration the sale-deeds Ex. A3, Ex.A4, Ex.A5, Ex.A6, Ex.A7 and Ex.A8, also took note of the two awards Ex.A20 and Ex.A21 and after taking into consideration almost 25 of the sale-deeds, which were produced by the State of Punjab, came to the conclusion that the enhanced compensation was to be awarded in terms of the sale-deeds produced by the S tate of Punjab on the basis of the sale-deed of 1981, as the notification under Section 4 of the Act in respect of the land in question was issued in September, 1983. We do not find any infirmity in the judgment of learned Single Judge. These appeals as well as the cross-objections, have no merits and the same are dismissed.

(VIJENDER JAIN)
CHIEF JUSTICE

(S.S.NIJJAR)
JUDGE

29.11.2006
'ravinder/MFK'

Cross Objection No. 4 of 1999 and
LPA No. 122 of 1995

Present : Mr. Rakesh Garg Advocate for the appellant

Ms. Rita Kohli, Sr. DAG Punjab

Mr. S.C.Kapoor, Sr. Advocate with
Mr. Subhash Kapoor, Advocate for
the cross-objector

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Cross Objection No. 4 of 1999

For orders see L.P.A. No. 550 of 1995

LPA No. 122 of 1995

In view of the submission of counsel for the appellant that he wishes to withdraw the appeal, the same is dismissed as withdrawn.

(VIJENDER JAIN)
CHIEF JUSTICE

(S.S.NIJJAR)
JUDGE

29.11.2006
'ravinder'

LPA No. 557 of 1995

Present : Mr. S.C.Kapoor, Sr. Advocate with
Mr. Subhash Kapoor, Advocate for the appellant

Ms. Rita Kohli, Sr. DAG Punjab

Mr. Rakesh Garg and Mr. H.S.Grewal, Advocates
for the claimant-respondent

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For orders see L.P.A. No. 550 of 1995

(VIJENDER JAIN)
CHIEF JUSTICE

(S.S.NIJJAR)
JUDGE

29.11.2006
'ravinder'